

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

November 19, 2007

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Morrison, Associate Justice; Hull, Associate Justice; and Horner, bailiff.

C049751 THE PEOPLE v. PHAM et al.
C049992 THE PEOPLE v. NGUYEN

Cause called. Dennis Riordan argued for appellant Phan. Eileen S. Kotler, court appointed counsel, argued for appellant Pham. Barbara Michel, court appointed counsel, argued for appellant Nguyen. Susan J. Orton, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:30 a.m., the court recessed. At 10:31 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C052940 THE PEOPLE v. COPAS

Cause called. George M. Hendrickson, Deputy Attorney General, argued for appellant. Mark Greenberg, court appointed counsel, argued for respondent. Cause submitted.

At 10:37 a.m., the court recessed. At 10:44 a.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C050545 THE PEOPLE v. SANCHEZ et al.

Cause called. William D. Farber, court appointed counsel, argued for appellant Sanchez. Robert L. Angres, court appointed counsel, argued for appellant Farias. Alice Su, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:20 a.m., the court recessed. At 2:00 p.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C054241 VESTRA RESOURCES, INC. v. THOMPSON et al.

Cause called. Jody Burgess argued for appellant. Susan S. Hinz argued for respondent. Cause submitted.

At 2:35 a.m., the court recessed. At 2:40 p.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

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At 9:53 a.m., the court recessed. At 9:57 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C053017 THE PEOPLE v. STROUP

Cause called. Kathleen C. Page, court appointed counsel, argued for appellant. Christina D. Hitomi, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:15 a.m., the court recessed. At 10:18 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Raye, Associate Justice.

C051606 MINASIAN v. WEST

Cause called. Sharon J. Arkin argued for appellant. Heather McKee argued for respondent. Cause submitted.

At 10:46 a.m., the court recessed. At 10:52 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C052566 BERNARD v. STATE FARM MUTUAL etc. et al.

Cause called. William Tedards argued and Ryan Perkins appeared only for appellant. George A. Yuhas argued for respondents. Cause submitted.

At 11:22 a.m., the court recessed. At 11:24 a.m., the court reconvened.

C054948 VAIRA v. WORKERS' COMPENSATION APPEALS BOARD and CALIFORNIA TRAVEL etc. et al

Cause called. Melissa C. Brown argued for petitioner. Brad Seligman, Alan R. Canfield, and Leah D. Davis argued for respondents. Cause submitted.

At 11:55 a.m., the court recessed. At 2:00 p.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Robie, Associate Justice.

C052041 THE PEOPLE v. HAZLE

Cause called. James H. Dippery, Jr., court appointed counsel, argued for appellant. Angelo S. Edralin, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:25 a.m., the court recessed. At 2:29 p.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

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- C052372 RAMIREZ v. CALIFORNIA DEPARTMENT OF HEALTH SERVICES et al.**
Cause called. Gaspar R. Garcia, II argued for appellant. Lyn Harlan, Deputy Attorney General, argued for respondents. Cause submitted.
- At 2:47 p.m. court recessed, until December 17, 2007 at 9:30 a.m.
- C051452 THE PEOPLE v. RAINONE (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Davis, J.
Robie, J.
- C051788 THE PEOPLE v. VLASOV (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Butz, J.
- C052225 THE PEOPLE v. WHITFIELD (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C052327 THE PEOPLE v. MASSEY (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C052908 THE PEOPLE v. MAKIHELE (Not for Publication)**
The trial court is directed to prepare an amended abstract of judgment reflecting a conviction for second degree robbery as to count one and to forward a certified copy of said amended abstract to the Department of Corrections and Rehabilitation. The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C053123 THE PEOPLE v. WILSON (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.

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- C053347 THE PEOPLE v. RUSSELL (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C053468 THE PEOPLE v. MCCAFFREY (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C054339 THE PEOPLE v. LEVINE (Not for Publication)**
The judgment is affirmed. The matter is remanded to the trial court with directions to prepare a new abstract of judgment as indicated above and to furnish a certified copy of said abstract to the Department of Corrections and Rehabilitation.
SIMS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C054583 THE PEOPLE v. GIROUX (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.
- C054671 THE PEOPLE v. PERRY (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Morrison, J.
Robie, J.
- C054757 THE PEOPLE v. THOMAS (Not for Publication)**
... the judgment is affirmed.
HULL, J.
We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.
- C054856 THE PEOPLE v. MAESTAS (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Morrison, J.
Robie, J.

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- C055136 THE PEOPLE v. LUISI (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Morrison, J.
- C055261 THE PEOPLE v. CARDENAS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C055340 THE PEOPLE v. BOYLAN (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C055355 THE PEOPLE v. HENDERSON (Not for Publication)**
The appeal is dismissed.
SIMS, Acting P.J.
We Concur: Morrison, J.
Robie, J.
- C055376 THE PEOPLE v. WELLMAN (Not for Publication)**
The portion of defendant's appeal challenging constitutionality of his sentence is dismissed. The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Raye, J.
- C055428 THE PEOPLE v. MORGAN (Not for Publication)**
The matter is remanded to the trial court for its determination of defendant's credits while at CRC. The judgment is otherwise affirmed.
DAVIS, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C055479 THE PEOPLE v. WOODS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Nicholson, J.

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- C055882 THE PEOPLE v. COULTER (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C052188 MCDANIEL-CONWAY v. OFFICE OF (Not for Publication)**
STATEWIDE HEALTH PLANNING AND
DEVELOPMENT et al.
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Morrison, J.
Hull, J.
- C053456 AMES v. BENITO et al. (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C053752 JAMES v. NIEMANN et al. (Not for Publication)**
The judgment is affirmed. The Niemanns shall recover their costs on
appeal.
ROBIE, J.
We Concur: Davis, Acting P.J.
Raye, J.
- C053866 CALIFORNIA FORESTRY ASSOCIATION (Not for Publication)**
et al. v. CALIFORNIA FISH & GAME
COMMISSION et al.; CALIFORNIA TROUT,
INC. et al.
The judgment is affirmed. Defendants are awarded their costs on appeal.
ROBIE, J.
We Concur: Raye, Acting P.J.
Butz, J.

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- C054613 In re DYLAN H.; THE PEOPLE v. (Not for Publication)**
DYLAN H.
The judgment is reversed, and the case is remanded back to the juvenile court for further proceedings If, as a result of those proceedings, the juvenile court grants DEJ to the minor, it shall issue an order vacating the findings and orders. If the juvenile court denies DEJ to the minor, it shall make its order continuing in effect the judgment.
ROBIE, J.
We Concur: Blease, Acting P.J.
 Morrison, J.
- C055035 In re R.H.; SACRAMENTO COUNTY (Not for Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. RODERICK C.
The order is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
 Cantil-Sakauye, J.
- C055514 In re T.B.; SHASTA COUNTY (Not for Publication)**
DEPARTMENT OF SOCIAL SERVICES v.
JERMAINE B.
The appeal dismissed.
DAVIS, J.
We Concur: Scotland, P.J.
 Morrison, J.
- C055904 In re CRYSTAL R.; SAN JOAQUIN (Not for Publication)**
COUNTY HUMAN SERVICES AGENCY
v. ELIZABETH R.
The juvenile court's orders are affirmed.
SIMS, Acting P.J.
We Concur: Nicholson, J.
 Butz, J.
- C053411 THE PEOPLE v. ANDRA (Certified for Partial Publication)**
... There is no change in the judgment. Appellant's petition for rehearing denied.
BY THE COURT:
 Scotland, P.J.
 Davis, J.
 Cantil-Sakauye, J.

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C053912 THE PEOPLE v. ZEPEDA

The petition for rehearing filed by defendant is denied.
BY THE COURT:

SIMS, Acting P.J.
Hull, J.
Butz, J.

C054705 In re LAUREN D. et al; DAVID A. v. VICTOR D.

On it's own motion, the court orders that the opinion in the above-entitled matter, filed October 26, 2007, not be published. There is no change in judgment.

BY THE COURT:

BLEASE, Acting P.J.

November 21, 2007

C051920 THE PEOPLE v. ROBERSON (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Morrison, J.
Cantil-Sakauye, J.

C053332 THE PEOPLE v. PHONGVISETH (Not for Publication)

The appeal is dismissed.

HULL, J.

We Concur: Sims, Acting P.J.
Robie, J.

C055039 THE PEOPLE v. ACOSTA (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Sims, J.
Morrison, J.

C053781 ARCHIBEQUE v. KEKULAWELA; SAN JOAQUIN COUNTY (Not for Publication)

The judgment (order) is affirmed. Prevailing parties Archibeque and the County of San Joaquin, to recover costs on appeal.

ROBIE, J.

We Concur: Davis, Acting P.J.
Butz, J.

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- C053354 In re RUBEN M. and CARLA ROBLES; (Not for Publication)**
ROBLES v. ROBLES
 The judgment is affirmed.
 SCOTLAND, P.J.
We Concur: Sims, J.
 Morrison, J.
- C049702 THE PEOPLE v. RICHARDSON**
BY THE COURT:
 Appellant's petition for rehearing is denied.
 BLEASE, Acting P.J.
- C050893 THE PEOPLE v. KRAUSE**
BY THE COURT:
 Appellant's petition for rehearing is denied.
 SCOTLAND, P.J.
- C052770 PHELPS et al. v. STATE WATER RESOURCES CONTROL BOARD et al.;**
DEPARTMENT OF WATER RESOURCES et al.
BY THE COURT:
 Appellant's petition for rehearing is denied.
 NICHOLSON, Acting P.J.
- C054705 In re LAURAN D. et al; DAVID A. v. VICTOR D.**
BY THE COURT:
 Respondent's petition for rehearing is denied.
 BLEASE, Acting P.J.
- C055050 CAMPAGNONE et al. v. ENJOYABLE POOLS AND SPAS SERVICE AND**
REPAIRS, INC.; STA-RITE INDUSTRIES
THE COURT:
 Plaintiff's motion for sanctions . . . is denied. The order to show cause,
 having served its purpose, is discharged. Justices Sims, Hull, and Butz recuse
 themselves from further participation in this case, except for the adjudication of
 any further motions related to the mediation of this case in the court.
 SIMS, Acting P.J.
 Hull, J.
 Butz, J.

November 22, 2007

There are no minutes for this date.

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Court Minutes

November 23, 2007

There are no minutes for this date.